



PATENT APPLICATION
Mo-5884
LeA 32,873

#1444B
10/2/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN APPLICATION OF)
GÜNTER LINDE ET AL) GROUP NO.: 1754
SERIAL NO.: 09/646,450) EXAMINER: STEVEN J. BOS
FILED: SEPTEMBER 14, 2000)
TITLE: COMPACTED CARBON)
BLACK PELLETS)

PRELIMINARY RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants wish to make the following comments with regard to the remarks made by the Examiner in the Advisory Action mailed September 11, 2002.

Claims 20-34 have been rejected under 35 USC 103(a) as being unpatentable over US 5,797,988 to Linde or the European counterpart, EP 802,241.

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Applicants traverse this rejection and submit that the compacted carbon black pellets of Linde have a lower relative color intensity than the uncompact powder when tested in concrete; whereas the claimed compacted carbon black pellets have a higher relative color intensity than the uncompact powder when tested in concrete.

In Table 1 of Linde, the relative color intensity is measured in concrete and the compacted pellets have a lower color intensity than the uncompact powder. The values for the pellets are 81, 85 and 90 vs. a standard of 100 for the powder.

In the Advisory Action mailed September 11, 2002 the Examiner found these arguments unpersuasive for two reasons:

- 1) Linde teaches the same process of making the pellet as is instantly claimed and disclosed; therefore, it is not clear how applicants can obtain a different product.
- 2) It is not clear that the relative intensity of Linde is comparable to the instant relative intensity because Linde does not state that it is based on the uncompact carbon black powder.

With regard to the Examiner's first objection, Applicants submit that the process of Linde is not the same as the claimed process. In both Examples 1 and 2 of Linde carbon black is compacted in admixture with ammonium lignosulfonate and machine oil. To the contrary, in the examples of the subject application, carbon black is compacted in admixture with ammonium lignosulfonate and a polyethylene glycol resin. In addition, the compressive forces were generally higher in the examples of the subject application. Therefore, there were differences in the preparation that could be responsible for the improvement in relative intensity demonstrated for the claimed compacted carbon black pellets.

Applicants do not understand the Examiner's second reason, i.e., that Linde does not state that the comparisons are based on the uncompact carbon black powder. In discussing the pellets prepared in Example 1, Linde states that the relative color intensity in concrete was determined compared with the corresponding starting powder. In addition, Table 1 describes Corasol C 30 carbon black powder [1] and carbon black granules produced from powder [1]. Similar statements are made for powder [2]. It could not be any more apparent that the relative intensity in

Linde was determined by comparing compacted carbon black pellets with uncompacted carbon black powder.

For the preceding reasons it is submitted that Linde fails to render the subject claims unpatentable within the meaning of 35 USC 103(a). Accordingly, withdrawal of this rejection is requested.

The foregoing is believed to be a complete response to the Office Action dated July 2, 2002, and in view of the preceding amendments and remarks, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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